UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/583,045	KOBAYASHI ET AL.
Office Action Summary	Examiner	Art Unit	
	JEAN M. CORRIELUS	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *24 March 2010*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-16* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This office action is in response to the amendment filed on March 24, 2010, in which

claims 1-17 are presented for further examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-17 have been considered but are moot in

view of the new ground(s) of rejection necessitated by amendment.

Proposed Examiner Amendment

1. (Currently Amended) An index imparting system which generates metadata based on signals

in a broadcast station, the system comprising:

        a processor;

        a memory coupled to the processor to store a database, wherein the database comprising

(i) an identifier for uniquely specifying each of the control signals of various kinds of devices

and (ii) an attribute information which describes the data recorded or reproduced by the device is

information relevant to each user of the various kinds of devices or each of the various kinds of

devices

        a control signal detecting section to (1) identify [[a]] the device which generates a control

signal based on recording or reproduction of data, the device is identified based on a type and an

identifier that uniquely identifies the device, and (2) identify a time of a detection of the control

signal;

~~a memory storing a database comprising (i) the identifier and (ii) attribute information which describes the data recorded or reproduced by the device, the attribute information corresponding to the identifier;~~

a control signal attribute information managing section to manage the identifier and corresponding attribute information of the control signal ~~and to identify the attribute information of the control signal stored in the database depending on the identifier obtained at the control signal detecting section~~, <u>wherein the control signal attribute information managing section includes a database searching section connected to the database which stores detailed information of attribute information and automatically imparts the detailed information obtained from the database to metadata generated at the index generating section</u>; and

an index generating section to automatically generate metadata following an acquisition of a type, the identifier, and the time identified ~~of the control signals signal~~ at the control signal detecting section and the corresponding attribute information at the control signal attribute information managing section, <u>wherein the control signal detecting section is provided with a microphone signal voice pressure level judging section to measure a voice pressure level of an input voice signal and to judge an existence of a vocalization, and wherein the microphone signal voice pressure level is generated only when a measured voice pressure level is at or above a prescribed value and sends a voice control signal to the control signal type identifying section.</u>

2. (Currently Amended) An index imparting system, comprising:

<u>a processor;</u>

a memory coupled to the processor to store a database, wherein the database comprising

(i) an identifier for uniquely specifying each of the voice control signals of various kinds of

devices and (ii) an attribute information which describes the voice recorded by the microphone,

the attribute information corresponding to the identifier of the microphone of the various kinds of

devices or each of the various kinds of devices;

a control signal detecting section to (1) identify a microphone, the microphone generates

a voice control signal in response to recording a voice of a performer, the microphone being

identified by an identifier in the voice control signal that uniquely identifies the microphone, and

to (2) identify a time of a detection of the voice control signal;

~~a memory storing a database comprising (i) the identifier of the microphone, and (ii)~~

~~attribute information which describes the voice recorded by the microphone, the attribute~~

~~information corresponding to the identifier of the microphone;~~

a control signal attribute information managing section to manage the identifier and

corresponding attribute information of the voice control signal, and to identify the attribute

information of the voice control signal stored in the database, the voice control signal associated

with the performer, the attribute information of the voice control signal identified depending on

the microphone identifier obtained at the control signal detecting section, wherein the control

signal attribute information managing section includes a database searching section connected to

the database which stores detailed information of attribute information and automatically imparts

the detailed information obtained from the database to metadata generated at the index

generating section; and

an index generating section to generate metadata following an acquisition of the identifier

and the time of the detection of the voice control signal at the control signal detecting section and

the corresponding attribute information relevant to the performer at the control signal attribute

information managing section, wherein the control signal detecting section is provided with a

microphone signal voice pressure level judging section to measure a voice pressure level of an

input voice signal and to judge an existence of a vocalization, and wherein the microphone signal

voice pressure level is generated only when a measured voice pressure level is at or above a

prescribed value and sends a voice control signal to the control signal type identifying section.

3. (Currently Amended) An index imparting system, comprising:

a processor;

a memory coupled to the processor to store a database, wherein the database

comprising (i) an identifier for uniquely specifying each of the VCR control signals of various

kinds of devices and (ii) an attribute information attribute information which describes data

being recorded or reproduced by the VCR, the attribute information corresponding to the

identifier of the VCR of the various kinds of devices or each of the various kinds of devices;

a control signal detecting section to (1) identify VCR, the VCR generates a control signal

in response to the VCR being selected by a switch, the VCR being identified by an identifier in

the control signal that uniquely identifies the VCR, and to (2) identify a time of a detection of the

control signal;

~~memory storing a database comprising (i) the identifier of the VCR, and (ii) attribute~~

~~information which describes data being recorded or reproduced by the VCR, the attribute~~

~~information corresponding to the identifier of the VCR;~~

a control signal attribute information managing section to manage the identifier and

corresponding attribute information of the control signal of the VCR, and to identify the attribute

information of the control signal of the VCR stored in the database depending on the identifier of

the VCR obtained at the control signal detecting section, wherein the control signal attribute

information managing section includes a database searching section connected to the database

which stores detailed information of attribute information and automatically imparts the detailed

information obtained from the database to metadata generated at the index generating section;

and

an index generating section to generate metadata following an acquisition of the identifier

and the time of the control signal of the VCR at the control signal detecting section and the

corresponding attribute information relevant to the VCR at the control signal attribute

information managing section, wherein the control signal detecting section is provided with a

microphone signal voice pressure level judging section to measure a voice pressure level of an

input voice signal and to judge an existence of a vocalization, and wherein the microphone signal

voice pressure level is generated only when a measured voice pressure level is at or above a

prescribed value and sends a voice control signal to the control signal type identifying section.

4. (Currently Amended) An index imparting system, comprising:

a processor;

a memory coupled to the processor to store a database, wherein the database

comprising (i) an identifier for uniquely specifying each of the telop control signals of various

kinds of devices and (ii) an attribute information which describes data being reproduced by the

telop, the attribute information corresponding to the identifier of the telop of the various kinds of

devices or each of the various kinds of devices

a control signal detecting section to (1) identify a telop, the telop generates a control

signal in response to the telop being selected by a switch, the telop being identified by an

identifier in the control signal that uniquely identifies the telop, and to (2) identify a time of a

detection of the control signal;

a memory storing a database comprising (i) the identifier of the telop, and (ii) attribute

information which describes data being reproduced by the telop, the attribute information

corresponding to the identifier of the telop;

a control signal attribute information managing section to manage the identifier and

corresponding attribute information the control signal of the telop, and to identify the attribute

information of the control signal of the telop stored in the database depending on the identifier of

the telop obtained at obtained at the control signal detecting section, wherein the control signal

attribute information managing section includes a database searching section connected to the

database which stores detailed information of attribute information and automatically imparts the

detailed information obtained from the database to metadata generated at the index generating

section; and

an index generating section to generate metadata following an acquisition of the identifier

and the time of the detection of the control signal of the telop at the control signal detecting

section and the corresponding attribute information relevant to the telop at the control signal

attribute information managing section, wherein the control signal detecting section is provided

with a microphone signal voice pressure level judging section to measure a voice pressure level

of an input voice signal and to judge an existence of a vocalization, and wherein the microphone

signal voice pressure level is generated only when a measured voice pressure level is at or above

a prescribed value and sends a voice control signal to the control signal type identifying section.

5. (Previously Amended) The index imparting system according to claim 1, comprising a

log analyzing section to generate log data wherein the time of the detection is sorted for a

plurality of identifiers following the acquisition of a respective identifier and a respective time of

detection from the control signal detecting section and output the log data to the index generating

section.

6. (Previously Presented) The index imparting system according to claim 5, wherein the

log analyzing section comprises: a log output section to ~~generate the log data wherein the time of~~

~~detection is sorted for each identifier by using the respective identifier and the respective time of~~

~~detection of a control signal and to output the log data to a network or a removable medium; and~~

~~a log input section to~~

input the log data via a ~~the~~ network ~~or the~~ to a removable medium and to output the log

data to the index generating section.

7. (Previously Presented) The index imparting system according to claim 1, wherein the

index imparting system detects an input control signal of any of a microphone, a VCR, or a telop,

generates metadata following the acquisition of the type, the identifier, and the time of detection

thereof, and imparts attribute information relevant to the control signal to the metadata.

8. (Previously Presented) The index imparting system according to claim 1, wherein the control signal detecting section comprises:

a control signal type identifying section to detect an input control signal and to identify the type and the identifier thereof;

a control signal type managing section to manage the input control signal and the type and the identifier thereof;

a time obtaining section to obtain a time when the input control signal is detected; and

an index generation requesting section to send the identified type and identifier and the obtained time to the index generating section and to request to generate the metadata.

9. (Cancelled)

10. (Cancelled)

11. (Previously Presented) The index imparting system according to claim [[9]] 1, wherein the microphone signal voice pressure level ~~judging section judges a measured voice pressure level, judges that the voice~~ is generated only when the voice pressure level is continuously maintained for a prescribed period of time and sends a voice control signal to the control signal type identifying section.

12. (Previously Presented) The index imparting system according to claim 1, wherein the control signal attribute information managing section comprises:

the database which is further configured to store an identifier for uniquely specifying each of the control signals of various kinds of devices and the attribute information which is information relevant to each user of the various kinds of devices or each of the various kinds of devices;

an attribute information managing section to obtain the attribute information from the database in response to a request from the index generating section for the attribute information; and

an attribute information registering section to receive registration of the identifier and attribute information stored in the database.

13. (Cancelled)

14. (Currently Amended) The index imparting system according to claim [[13]] 12, wherein the database stores the detailed information on at least any one of a person, news, or a script.

15. (Original) The index imparting system according to claim 12, wherein the attribute information registering section is connected online to a device to edit a VCR or a telop, and attribute information which is registered to the attribute information registering section is obtained by registering online information obtained or input by using the editing device.

16. (Previously Presented) The index imparting system according to claim 12, wherein attribute information which is registered to the attribute information registering section is obtained by storing information obtained or input by using a device to edit a VCR or a telop in a removable medium as the attribute information, and registering the information by using the removable medium.

17. (Previously Presented) The index imparting system according to claim 1, wherein the control signal detecting section identifies a time on which detection of the control signals starts as a start time, identifies a time on which detection of the control signals are finished as an end time, and then adds a time zone information between the start time and the end time to the metadata as an attribute information of the control of the control signals.

Remark

3.   The proposed amendment above clearly clarifies the breath of the invention, wherein the database was created to store a predetermined information about the various of devices, wherein the control signal detecting section is provided with a microphone signal voice pressure level judging section to measure a voice pressure level of an input voice signal and to judge an existence of a vocalization, and wherein the microphone signal voice pressure level is generated only when a measured voice pressure level is at or above a prescribed value and sends a voice control signal to the control signal type identifying section and wherein the control signal attribute information managing section includes a database searching section connected to the database which stores detailed information of attribute information and automatically imparts the

detailed information obtained from the database to metadata generated at the index generating

section. Applicant is advised to review such proposed amendment and make correction if

necessary in response to this office action.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidekatsu et

al., (hereinafter "Hidekatsu") Publication Number: 11-167583 and view of Shimizu Publication

Number: 2002-027374.

As to claim 1, Hidekatsu discloses the claimed

"a control signal detecting section to (1) identify a telop, the telop generates a control

signal in response to the telop being selected by a switch, the telop being identified by an

identifier in the control signal that uniquely identifies the telop, and to (2) identify a time of a

detection of the control signal" (an image signal is detected precisely a telop signal, See

abstract);

a memory storing a database comprising (i) the identifier and (ii) attribute information

which describes the data recorded or reproduced by the device, the attribute information

corresponding to the identifier (written the detected signal in a memory, storing an image and an

ID information obtained, see abstract);

Hidekatsu discloses the claimed "an index generating section to automatically generate

metadata following an acquisition of a type, the identifier, and the time identified of the control

signals signal at the control signal detecting section and the corresponding attribute information

at the control signal attribute information managing section" (see abstract).

Hidekatsu does not explicitly disclose the claimed "a control signal attribute information

managing section to manage the identifier and corresponding attribute information of the control

signal and to identify the attribute information of the control signal stored in the database

depending on the identifier obtained at the control signal detecting section" .

On the other hand, Shimizu discloses the claimed "a control signal attribute information

managing section to manage the identifier and corresponding attribute information of the control

signal and to identify the attribute information of the control signal stored in the database

depending on the identifier obtained at the control signal detecting section" (on the basis of the

meta-data which is read out from the memory tag, a setting regarding an image signal inside an

editing device is controlled, and a warning is generated when the recording frequency of the

image signal to be edited does not agree with a data bit rate, abstract). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to combine the

teaching of the cited references, wherein the attribute information managing section of Shimizu

would prevent Hidekatsu' system the trouble by sending image signal of wrong system to edit by

a method wherein metadata related to image signal is detected precisely.

As to claim 2, Hidekatsu and Shimizu discloses substantially the invention as claimed. It

would have been obvious to one having ordinary skill in the art at the time the invention was

made to combine the teaching of the cited references, wherein the attribute information

managing section of Shimizu would prevent Hidekatsu' system the trouble by sending image

signal of wrong system to edit by a method wherein metadata related to image signal is detected

precisely.

As to claim 3, Hidekatsu and Shimizu discloses substantially the invention as claimed. It

would have been obvious to one having ordinary skill in the art at the time the invention was

made to combine the teaching of the cited references, wherein the attribute information

managing section of Shimizu would prevent Hidekatsu' system the trouble by sending image

signal of wrong system to edit by a method wherein metadata related to image signal is detected

precisely. VCR is old and well known in the art as evidence Asmussen US Patent No. 7,293,279.

As to claim 4, Hidekatsu and Shimizu discloses substantially the invention as claimed. It

would have been obvious to one having ordinary skill in the art at the time the invention was

made to combine the teaching of the cited references, wherein the attribute information

managing section of Shimizu would prevent Hidekatsu' system the trouble by sending image

signal of wrong system to edit by a method wherein metadata related to image signal is detected

precisely.

6.   Claims 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidekatsu et

al., (hereinafter "Hidekatsu") Publication Number: 11-167583 and view of Shimizu Publication

Number: 2002-027374 further in view of Engebretson et al., (hereinafter "Engebretson") US

Patent No. 5,724,433.

As to claims 5-16, Hidekatsu and Shimizu discloses substantially the invention as claimed,

except for a log data. On the other hand, Engebretson discloses a **control signal** which is

transformed to log encoded **data by a log** transformer using standard techniques and as more

fully, wherein the log encoded data represents the extracted signal characteristics present in the

signal at input. Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of the cited references, wherein the

control signal of Shimizu and Hidekatsu would incorporate the use of a data log. One having

ordinary skill in the art would have found motivated to use a data log in the control signal of

Shimizu and Hidekatsu for the purpose of storing video program for later use.

Conclusion

1.   Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with

the fee set forth in 37 CFR 1.17(p) on March 24, 2010 prompted the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032.

The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/
Primary Examiner, Art Unit 2162

June 9, 2010